

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JERRY PINKS,

Plaintiff,

- against -

M&T BANK CORPORATION,

Defendant.

ORDER

13-CV-01730 (LAK) (RLE)

RONALD L. ELLIS, United States Magistrate Judge:

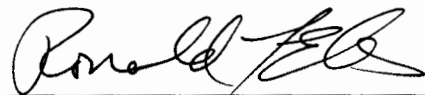
Plaintiff Jerry Pinks commenced this class action on March 14, 2013. Pinks alleges that M&T Bank failed to comply with various provisions of the Uniform Commercial Code by failing to send sufficient written notice in more than one hundred instances of repossession and sale of consumer collateral. (Doc. No. 1) On October 30, 2014, M&T Bank filed a Motion for Judgment on the Pleadings arguing that Pinks lacked Article III standing to represent a class beyond his state of residence, South Carolina. (Doc. No. 52) That motion is fully briefed. In a letter dated March 2, 2015, M&T informed the Court that while searching and producing documents for South Carolina debtors it discovered that its motion “involves not only a threshold Article III issue but . . . if the Court grants the pending motion, will require that this Court dismiss Plaintiff’s Complaint for lack of jurisdiction due to an insufficient amount in controversy.” (Doc. No. 73) The Court held a telephone conference with the Parties on March 26, 2015. During this conference, the Court directed M&T Bank to submit for review the data upon which its jurisdictional concerns were based. By letter dated April 1, 2015, Pinks informed the Court that it could not stipulate to the amount in controversy in South Carolina because it could not verify the accuracy or completeness of M&T Bank’s spreadsheet. (Doc. No. 87)

Having reviewed the data collected by M&T Bank for South Carolina, the Court finds

there is evidence that a class limited to South Carolina would not meet the jurisdictional minimum. Because a decision on M&T's Motion for Judgment on the Pleadings could require the dismissal of the Complaint for lack of jurisdiction, the Court finds that a stay of discovery pending decision on M&T's motion is warranted.

IT IS THEREFORE ORDERED that discovery is **STAYED** pending the Court's decision on M&T's Motion for Judgment on the Pleadings.

SO ORDERED this 14th day of April 2015.
New York, New York

A handwritten signature in black ink, appearing to read "Ronald L. Ellis", written over a horizontal line.

The Honorable Ronald L. Ellis
United States Magistrate Judge